



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

INTERIM DECISION

Dispute Codes

Landlords: OPC, OPR, MNR, MND, MNDC, MNSD and FF
Tenants: CNR

Introduction

This hearing addressed applications by both the landlord and the tenants.

The landlord's application of August 8, 2013 had sought an Order of Possession pursuant to notices to end tenancy for cause served on July 21, 2013 and another notice for unpaid rent served on August 2, 2013. Initially, the landlord had also sought a monetary award for unpaid rent, loss of rent and authorization to retain the security deposit in set off against the balance owed. After the tenants vacated the rental unit on August 11, 2013, the landlord amended her application on September 3, 2013 to raise the initial monetary claim from \$1,838 to \$9,209.47 by adding claims for damage to the rental unit.

The tenants' application of August 8, 2013 to have the Notice to End Tenancy for unpaid rent set aside was rendered moot when they moved out of the rental unit on August 12, 2013.

As a preliminary matter, the attending tenant stated that she had only received the landlord's evidence relating to the amended portion of the application on the evening of September 7, 2013 and had not had time to prepare a response. Therefore she requested that this matter be adjourned.

Rule 6.3 under the *Rules of Procedure* grants the arbitrator, once the hearing has commenced, the authority to adjourn at the request of any party or on the arbitrator's own initiative.

Rule 6.4(c) lists among the criteria for granting the adjournment, the need to provide a fair opportunity for a party to be heard, including whether a party had sufficient notice of the dispute resolution proceeding.

Accordingly, this matter is adjourned to a time and date set out in the enclosed notice of hearing.

The landlord must be prepared to prove service of the notice on the tenants. The tenant gave assurance they she is currently residing at her parent's address at which she was served with the earlier documents.

The tenants' application is dismissed as moot and the hearing will reconvene on the landlord's application only.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: September 11, 2013

Residential Tenancy Branch

